IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 21608 of 2004

Between:

1 Shaik Zareena Khasam, W/o. Shaik Maqbool Khasam, R/o. Door No. B2/508,

Kailash Prabhat Housing Society Ltd.,173, Vidyanagari Marg, C.S.T. Road,

Kalina, Mumbai.
2 Patan Amzad Ali Khan, S/o. Ptan Jaleel Khan, Guttakindarachapalli post, H/o.

Madithadu, T. Sunduapalli Manal, Cuddapah.

... PETITIONERS

AND

1 The Govt of A.P., rep. by its Principal Secretary, Department of Home, Secretariat, Hyd.
2 The Superintendent of Police, Cuddapah, Cuddapah District.
3 The Sub-Inspector of Police, T. Sundupalli P.S., T. Sundupalli Mandal, Cuddapah District.
4 Patan Shadab Khan, S/o. Jaleel Khan, R/o. Guttakinda Rachapalli, H/o.

Madithadu, T. Sundupalli Mandal, Cuddapah District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent and his officers in interfering with the petitioners peaceful possession and enjoyment of the Rice Mill and Juice Factory namely " Gora Industrial Complex," situated in an extent of Ac. 0.80 cents in Sy.No.984/A of G.K. Rachapalli of Madithadu Revenue Village, T. Sundupalli Mandal, Cuddapah District at the instance of 4th respondent is highly arbitrary, illegal, highhanded and violative of the Fundamental Rights Guaranteed to the petitioners under Articles 14, 19 (1) (g) and 21 of the Constitution of India and consequently direct the 3rd respondent and his Officer not interfere with the petitioners peaceful and enjoyment of the Rice Mill and Juice Factory namely " Gora Industrial Complex" situated in an extent of Ac. 0.80 cents in Sy.No.984/A of G.K.

Rachapalli of Madithadu Revenue Village, T. Sundupalli Mandal, Cuddapah District.

Counsel for the Petitioners: MR.V.R.REDDY KOVVURI

Counsel for the Respondents 1 to 3: GP FOR HOME

Counsel for the Respondent No.4: NOTICE RETURNED UNSERVED

The Court at the admission stage made the following order:

ORDER:

Petitioner seeks a Writ of Mandamus declaring the action of the Sub-Inspector of Police, T. Sundupalli Police Station, T. Sundupalli Mandal, Cuddapah District and his officers in interfering with his peaceful possession and enjoyment of the Rice Mill and Juice Factory at the instance of the fourth respondent is highly illegal and arbitrary and seeks a direction to the third respondent and his subordinates not to interfere with his peaceful possession and enjoyment of Rice Mill and Juice Factory.

Counter has been filed stating that the fourth respondent lodged a complaint against the second petitioner alleging that the second petitioner criminally trespassed into his Mill by name Gora Industrial Complex at G.K. Rachaplly, T. Sundupally Mandal, Cuddapah District in spite of his obtaining status quo orders from the Civil Court.

Basing on the said complaint filed by the fourth respondent a case was registered in Cr.No.40 of 2004 under Sections 188 and 379 IPC and the matter is taken up for investigation, which is pending.

Insofar as the allegation against the third respondent regarding his interference with the peaceful possession and enjoyment of the petitioner's rice mill and juice factory it is submitted that the third respondent has not at all interfered with the petitioner's property at the instance of the fourth respondent as alleged by the petitioner.

In view of the categorical denial by the third respondent that he has never interfered with the petitioner's peaceful possession and enjoyment of the rice mill and juice factory and in view of the direction granted by this Court on 26.11.2003 no orders need be passed in the writ

petition.

The writ petition is accordingly dismissed. No costs.

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V. ESWARAIAH, J

April 26, 2005

Dsk

To

1 The Principal Secretary to Govt of A.P., Department of Home, Secretariat, Hyderabad.
2 The Superintendent of Police, Cuddapah, Cuddapah District.
3 The Sub-Inspector of Police, T. Sundupalli P.S., T. Sundupalli Mandal,

Cuddapah District.

4 Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.